

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION AT CHICAGO**

LARRY J. COLLIER,)	
)	
Plaintiff,)	
)	
Vs.)	Case No.: 08 C 227
)	
WAL-MART STORES, INC.,)	
WAL-MART REAL ESTATE BUSINESS)	
TRUST, WAL-MAT ASSOCIATES, INC.,)	
WAL-MART.COM USA, LLC,)	
WAL-MART REALTY COMPANY,)	
WAL-MART STORES EAST, INC.)	
WAL-MART TRANSPORTATION, LLC)	
)	
Defendants.)	

ANSWER TO PLAINTIFF'S COMPLAINT

TO: Bridget A. Mitchell
One N. LaSalle St. #1325
Chicago, IL 60602

Thomas J. Tyrrell
1020 South Arlington Heights Rd.
Arlington Heights, IL 60005

NOW COME the Defendants, WAL-MART STORES, INC., WAL-MART REAL ESTATE BUSINESS TRUST, WAL-MART ASSOCIATES, INC., WAL-MART.COM USA, LLC, WAL-MART REALTY COMPANY, WAL-MART STORES EAST, INC., and WAL-MART TRANSPORTATION, LLC, by and through their attorneys, MOMKUS McCLUSKEY, LLC, and as and for their Answer to Plaintiff's Complaint, states as follows:

COUNT I – WAL-MART STORES, INC. – Negligence

1. Defendant WAL-MART STORES, INC. admits that on November 16, 2005, it operated a retail store located at 1555 North Rand Road, in Palatine, Illinois. All remaining allegations inconsistent herewith are denied.

2. Upon information and belief, defendant WAL-MART STORES, INC. admits the allegations in paragraph 2.

3. Defendant WAL-MART STORES, INC. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART STORES, INC. denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART STORES, INC. denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART STORES, INC. respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT II – WAL-MART REAL ESTATE BUSINESS TRUST – Negligence

1. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART REAL ESTATE BUSINESS TRUST. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART REAL ESTATE BUSINESS TRUST respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT III – WAL-MART ASSOCIATES, INC. – Negligence

1. Defendant WAL-MART ASSOCIATES, INC. denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART ASSOCIATES, INC. denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART ASSOCIATES, INC. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART ASSOCIATES, INC. denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART ASSOCIATES, INC. denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART ASSOCIATES, INC. respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT IV – WAL-MART.COM USA, LLC – Negligence

1. Defendant WAL-MART.COM USA, LLC denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART.COM USA, LLC denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART.COM USA, LLC admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART.COM USA, LLC denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART.COM USA, LLC denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART.COM USA, LLC respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT V – WAL-MART REALTY COMPANY – Negligence

1. Defendant WAL-MART REALTY COMPANY denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART REALTY COMPANY denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART REALTY COMPANY admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART REALTY COMPANY denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART REALTY COMPANY denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART REALTY COMPANY respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT VI – WAL-MART STORES EAST, INC. – Negligence

1. Defendant WAL-MART STORES EAST, INC. denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART STORES EAST, INC. denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain

or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART STORES EAST, INC. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART STORES EAST, INC. denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART STORES EAST, INC. denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART STORES EAST, INC. respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT VII – WAL-MART TRANSPORTATION, INC. – Negligence

1. Defendant WAL-MART TRANSPORTATION, INC. denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART TRANSPORTATION, INC. denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART TRANSPORTATION, INC. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART TRANSPORTATION, INC. denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART TRANSPORTATION, INC. denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART TRANSPORTATION, INC. respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

MOMKUS McCLUSKEY, LLC

By: _____
s/ Pamela L. Pierro

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